

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Before the court is the defendant's motion to dismiss (#33). Plaintiff has responded (#35). Defendant has not filed a reply, and the time for doing so has expired.

Defendant seeks to dismiss only plaintiff's claim for punitive damages. It does so on the grounds that the claim is preempted by the Carmack Amendment, 49 U.S.C. § 14706. Plaintiff concedes that the claim for punitive damages should be dismissed insofar as the Carmack Amendment applies to his case. See *Nichols v. Mayflower Transit, LLC*, 368 F. Supp. 2d 1104, 1108-09 (D. Nev. 2003); see also

1 *Marro v. Globe Corp.*, 285 Fed. App'x 495, 495 (9th Cir. 2008)
2 (unpublished disposition). Accordingly, the defendant's motion to
3 dismiss (#33) is hereby granted. Plaintiff's punitive damages claim
4 is dismissed without prejudice.

5 **IT IS SO ORDERED.**

6 DATED this 24th day of May, 2011.

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8 
9 UNITED STATES DISTRICT JUDGE